

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 02-21
)	
ANTONIO'S STEAK RIBS and PASTA,)	
LOBSTER & CRAB HOUSE, SEAFOOD)	
VILLAGE CHINESE CUISINE, Alan Ho,)	
Ben Fung and Edward Yu,)	
)	
Respondents.)	
_____)	

CONCILIATION AGREEMENT

On or around December 2001, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents Antonio's Steak Ribs and Pasta ("Antonio"), Lobster & Crab House ("Lobster") Seafood Village Chinese Cuisine ("Seafood"), Alan Ho, Ben Fung and Edward Yu (collectively referred to as "Ho Fung Yu"). Alan Ho, Ben Fung, and Edward Yu have acknowledged ownership in the three restaurants. Business address for the three restaurants are as follows:

Antonio's	2201 Kalakaua Ave., #A313 Honolulu
Lobster	2201 Kalakaua Ave., #A213 Honolulu
Seafood Village	2424 Kalakaua Ave., Hyatt Regency Hotel

Organizational reports for Antonio, Lobster, Seafood, and Royal Steak list Alan Ho, Ben Fung and Edward Yu as officers. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Ho Fung Yu and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondents pursuant to section 11-216(g), HRS.
- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
 1. On or around December 2001, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Hannemann campaign committee ("Hannemann"), initiated an investigation involving excess contributions in violation of section 11-204(a), HRS.
 2. Section 11-204(a)(1)(C), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or

any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.

3. Section 11-204(f), HRS reads as follows: All payments made by a person or political party whose contributions or expenditure activity is financed, maintained, or controlled by any corporation, labor organization, association, political party, or any other person or committee, including any parent, subsidiary, branch, division, department, or local unit of the corporation, labor organization, association, political party, political committees established and maintained by a national political party, or any person, or by any group of those persons shall be considered to be made by a single person or political party.
4. Section 11-204(h), HRS reads in part as follows: an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.
5. The election period for Mufi Hannemann and The Hannemann campaign committee for Mayor of Honolulu include the period from November 6, 1996 to November 7, 2000.
6. On or about April 17, 2000, Antonio made a contribution to Hannemann in the amount of \$2,000.

7. On or about April 17, 2000, Lobster made a contribution to Hannemann in the amount of \$2,000.
8. On or about September 5, 2000, Antonio made a contribution to Hannemann in the amount of \$3,000, of which Hannemann returned \$1,000 to Antonio.
9. On or about September 5, 2000, Seafood Village Chinese Cuisine made a contribution to Hannemann in the amount of \$3,000.
10. Total contributions to Hannemann for the election period from the three restaurants amount to \$9,000, excess contributions of \$5,000.
11. Ho Fung Yu acknowledge that excess contributions of \$5,000 had been made to the Hannemann campaign in violation of section 11-204(a)(1)(C), HRS.
12. Ho Fung Yu failed to report the contribution by Seafood Village Chinese Cuisine.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #02-21, Ho Fung Yu understands and agrees to the following:

- (A) Ho Fung Yu agrees to an assessment of **One Thousand Five Hundred Dollars (\$1,500)** pursuant to section 11-228, HRS.
 - (1) For violation of section 11-204(a)(1)(C), HRS, making excess campaign contributions to the Hannemann campaign committee.

- (B) Ho Fung Yu agree to comply with campaign finance statutes on contribution and expenditures to candidate committees.
- (C) Terms of payment of the assessment shall be by Order of the Commission.

- VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.
- IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.
- X. This Agreement constitutes the entire agreement between the Commission and Ho Fung Yu on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.
- XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

FOR THE COMMISSION:

Robert Y. Watada, Executive Director

By: _____

Date: _____

FOR THE RESPONDENTS:

Alan Ho, Ben Fung, and Edward Yu

By: _____

Date: _____

(Name)

(Title)